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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Clear, et al.  
 Application No. : 09/757,349  
 Filed : January 8, 2001  
 Title : PACKET PROCESSOR WITH PROGRAMMABLE  
 APPLICATION LOGIC  
 Grp./Div. : 2661  
 Examiner : To Be Determined  
 Docket No. : 40030/SAH/X2

**DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR §1.47**  
**PROOF OF INVENTOR'S REFUSAL TO SIGN**

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Post Office Box 7068  
 Pasadena, CA 91109-7068

Commissioner:

1. I, Jun-Young E. Jeon, am a patent attorney working at the law firm of Christie, Parker & Hale, LLP.
2. Mr. David A. Cordeiro, is the Division Lead in-house Intellectual Property Counsel for Alcatel Internetworking, Inc. ("AII"), who handles intellectual property matters for Alcatel Internetworking (PE), Inc. ("AIPE"), formerly known as Packet Engines Inc. ("PE"), on behalf of Alcatel, a foreign corporation.
3. Mr. Sundara Ganesh is one of the joint inventors of the present application, Ser. No. 09/757,349, entitled "Packet Processor with Programmable Application Logic" filed January 8, 2001. Mr. Ganesh et al. conceived of the invention disclosed in the present application, which is within the scope of their employment, at work while employed at AIPE.
4. On or around June 11, 1999, Mr. Ganesh terminated his employment with AIPE. By virtue of his Employment Agreement with PE, now AIPE, Mr. Ganesh agreed in writing to assign to PE (AIPE) all of his rights in and to any inventions he developed while employed by

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
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Stephanie Danquie  
 SIGNATURE

PE (AIPE). A copy of Mr. Ganesh's acceptance letter and standard PE Non-Disclosure Agreement are attached as Exhibits A and B, respectively.

5. The present invention was disclosed in whole or in part in one or more of the following provisional applications (Ser. No. 60/206,617 filed May 24, 2000; Ser. No. 60/206,996 filed May 24, 2000; Ser. No. 60/220,335 filed July 24, 2000).

6. On January 8, 2001, the present invention was filed as a Non-provisional Application claiming the benefit of the aforementioned provisional applications and naming Sundara Ganesh et al. as joint inventors.

7. On March 28, 2001, Mr. Cordeiro sent via Express Mail a package containing three documents to Mr. Ganesh at 1101 Hollyhead Lane, Cupertino, CA 95014, and requested Mr. Ganesh to execute the same. The package contained (1) a cover letter, (2) the present application entitled "Packet Processor with Programmable Application Logic," (3) the application's Assignment and (4) the application's Declaration and Power of Attorney. In regard to the March 28, 2001 correspondence, Mr. Cordeiro received no response from Mr. Ganesh. A copy of the Express Mail label is attached as Exhibit C.

8. Pursuant to Mr. Cordeiro's instructions, on July 3, 2001, I sent a package containing three documents to Mr. Ganesh at his last known address, 1101 Hollyhead Lane, Cupertino, CA 95014, again requesting execution of the documents. The package contained (1) a cover letter, (2) the present application entitled "Packet Processor with Programmable Application Logic," (3) the application's Assignment and (4) the application's Declaration and Power of Attorney. In particular, the cover letter stated that Mr. Cordeiro had attempted to contact Mr. Ganesh repeatedly regarding the present invention, and that he should execute the enclosed documents and return them to us. A copy of the letter sent to Mr. Ganesh is attached as Exhibit D, a copy of the application's Assignment is attached as Exhibit E, and a copy of the application's Declaration and Power of Attorney is attached as Exhibit F. I have not heard from Mr. Ganesh since then.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

DATED: July 20, 2001

By:

Jun E. Jeon  
Jun-Young E. Jeon  
Reg. No. 43,693  
350 West Colorado Blvd. #500  
Pasadena, CA 91105  
(626) 795-9900

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